



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/817,076    07/15/97    YAMAMOTO

K    05905.0027

EXAMINER
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PM82/0720

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NGUYEN T	
ART UNIT	PAPER NUMBER

3661  
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07/20/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**

Application No.

08/817,076

Applicant(s)

Yamamoto

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jul 3, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: refer to the attachment.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: 3 and 5
- Claim(s) objected to: 7
- Claim(s) rejected: 2, 4, 8, 9, 13-16, 18-26, and 28-35
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☒ Other IDS (paper No. 18 & 22) are not considered. (refer to the attachment)

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*Advisory Attachment*

Claims 28-35 are not considered because the scope of claims 28-35 needs further consideration.

Claims 14-16 are rejected as discussed in the Office Action paper No. 21 (April 5, 2001).

Claims 2-5, 7-9, 13, 15, 19-20, 21-24, 25-26 as submitted in the “after final amendment”, paper No. 23 (July 3, 2001), would be allowed if other pending claims are cancelled and the allowable claims 2-5, 7-9, 13, 15, 19, 22-24, 25-29 are copied from the “after final amendment”, paper No. 23, and resubmitted.

The IDS filed December 1, 1998 mentioned in the “after final amendment”, paper No. 23, page 17, is not considered because a copy of the EP patent 0 145-321 and EP search report is not received.

The IDS filed on October 24, 2000 mentioned in the “after final amendment”, paper No. 23, page 17, is not considered because of the following reasons:


- A corrected PTO form 1449 is not submitted.
- The reference submitted on October 24, 2000 does not seem to correspond with the HEI6-290254 document. As indicated in the office action paper No. 21 (April 5, 2001), the references we received include a translation copy of a “Notification of Reason for refusal

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(1 page) and a translation copy (7 pages) of claims. Neither the reference has any standard Publication Number or Application Number. It is not sure if any of these references is the HEI6-290254 as indicated by applicant.

NTV

July 18, 2001

  
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